worship," is not to prevent religious worship in public buildings, but to prevent an increase of the burden of taxation for the purpose of making the people support places used distinctively for religious worship. In support of this view see *Moore v. Moore,* 64 Ia. 367. Following the cases just referred to we see no escape from the conclusion that we are violating the spirit of our constitutions when we provide chaplains and permit them to pray (usually according to the usages of some particular sect), in our legislative halls; and again, when we suffer religious services to be held in our penal institutions. For these places are supported by the public, and according to the cases cited these acts make them "places of worship." Obviously these cases go too far.

On the general question as to whether the religious liberty clauses which are substantially the same in most of our State constitutions are intended to entirely exclude the Bible from the public schools—the earlier cases are not in harmony with these more recent. Thus *Donohue v. Richards,* 38 Me. 376, decided that a requirement by a school committee that the Protestant version of the Bible should be read in the public schools of their town by every pupil who was able to read, did not violate a provision in the Constitution of Maine, that no one should be "hurt, molested or restrained in person, liberty or estate, for his religious professions or sentiments," and further that a law is not unconstitutional merely because it requires one to do something which is against his conscience. *Spiller v. Woburn,* 12 Allen 127, goes farther still. In that case it was decided that it is competent for a school committee to order that school be opened each morning with reading from the Bible and prayer, and that the pupils bow their heads while prayer was being offered. The court held that such an order was not contrary to a clause in the Constitution of Massachusetts protecting every one in the worship of God "according to the manner and season most agreeable to the dictates of his own conscience"; that a pupil may be excluded for not complying with the order; and that such exclusion did not violate a statute providing that no one should be excluded from the public schools on account of his religious beliefs.

There is some doubt as to whether these cases decided in the earlier part of last century will continue to be very generally followed, as there is a growing tendency (of which the case under comment is evidence), on part of the courts to adopt an interpretation of this class of constitutional provisions which will give the largest possible freedom in the exercise of religious belief.

NEGLECT IN PRINTING COPYRIGHT NOTICE.

The liability for publishing a copyrighted story taken from a newspaper which by inadvertance had published it without a notice of the copyright, has been passed upon under varying circumstances in a number of the Eastern States and in England.

However, until very recently the Western courts have not been called upon to decide this question.

A recent case in Illinois, *American Press Association v. Daily Story Pub. Co.*, 35 *Chi. Legal News* 99 (Nov. 8), is interesting upon this point. Although the facts are similar to those in the previous cases on this subject, the opinion of the court is not entirely in accord with that of the Federal Court in a case arising in Massachusetts, *Pierce & Bushnell Mfg. Co. v. Werckmeister*, 72 Fed. 54. In the case in Illinois the court *held*, that where plaintiff, a publishing company, had sold to its patrons a copyrighted story which it had appropriated from a paper in St. Louis, and which the latter paper had obtained from defendants, another publishing company, for limited use on condition that it print a notice of copyright with it, but which it had failed to do, the plaintiff could not restrain the defendant from collecting damages from plaintiff's patrons. The grounds upon which this decision was based were that the St. Louis paper was not an agent of defendant and that the latter could not be legally deprived of his property in the copyright without his consent (R. S., Sec. 4976).

But the court seems to imply that if the St. Louis paper had been an agent of defendant, the latter could not have recovered, as there was no notice of copyright on the reproduction of the story. This opinion follows *Werckmeister v. Pierce & Bushnell Mfg. Co.*, 63 Fed. 445, in holding that Sec. 94 Revised Code of July 8, 1870, c. 230 (16 Stat. 198), which reads that no person shall maintain an action for infringement of his copyright unless he shall give notice thereof by printing on the several copies a notice of copyright, refers to reproductions of an original as well as to the original. However, this is in conflict with the opinion in *Pierce & Bushnell Mfg. Co. v. Werckmeister, supra,* which reverses *Werckmeister v. Pierce & Bushnell Mfg. Co., supra,* and holds that the above section refers not to reproductions but to the individual copyrighted things, whether one or many.

In the decision of the present case the fact that the copyright law has two purposes—to protect the author, and also to encourage the full circulation of literature upon which no copyright mark is attached—does not seem to have had much weight.

It seems as though the full spirit of the copyright law would be better carried out if the property, which an innocent third person has acquired in a bona-fide manner on the faith, induced by the negligence of some other party, that authority was given when in fact it was not, could be secured to him and the free circulation of uncopyrighted literature be accompanied by less risk.

In connection with the question of copyrighted newspaper articles *Walter v. Steinkopff*, L. R. 3 Ch. D. 489 [1892], where the cases are collected, is interesting.